Appl. No. 09/964,927 Fourth Amdt. Dated 17 June 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/964,927

Confirmation No. : 2183

Applicants

McCARTHY, Wil

Art Unit

: 2874

SNYDER, Gary E.

Filed

: 26 SEPTEMBER 2001

Examiner

: Daniel J. Petkovsek

Title

: Fiber incorporating quantum dots as programmable dopants

Docket No.

: 027-040001US

Customer No.

: 33486

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

FOURTH AMENDMENT

Sir:

This letter follows a request for continued examination of the referenced application filed 3 May 2004. An advisory action was issued by the Office on 22 March 2004 and a telephone interview was conducted with Examiners Healy and Petkovsek on 21 April 2004. The request for continued examination was accompanied by a request for limited suspension of action pursuant to 37 CFR § 1.103(c). Applicants have waived any additional time remaining during such period of limited suspension and request that this matter be taken up by the examiner upon receipt of this amendment and the accompanying declaration.

Amendments to the claims begin on page 2.

Remarks/arguments discussing the amendments and responding to the Office action begin on page 7.

06/24/2004 EAREGAY1 00000045 502885 09964927

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Express Mail No. ER 535 542 031 UŞ 1

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: 33486

CERTIFICATE OF MAILING BY EXPRESS MAIL

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the attached

- 1. Amendment (10 pages);
- 2. Declaration of Robert A. Metzger, Ph.D. Pursuant to 37 C.F.R. § 1.132 (3 pages);
- 3. Waiver of Limited Suspension of Action Requested Pursuant to 37 C.F.R. § 1.103(c) (1 page);
- 4. Fee Transmittal (1 page) (small entity) (in duplicate);
- 5. Certificate of Mailing by "Express Mail" (37 CFR 1.10); and
- 6. Return postcard,

all relating to the above-referenced application were deposited with the United States Postal Service on <u>17 June 2004</u> as "Express Mail," using an Express Mail label having the number noted at the top of this page and addressed to the Commissioner for Patents at the above address.

Mailer

Adam D. Malmut Customer No. 33,486

Heimbecher & Assoc., LLC

Tel: 303-279-8888 Fax: 303-985-0651 express Mail Label No.: ER 535 542 031 US

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 1	49.00
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Complete if Known			
Application Number	09/964,927		
Filing Date	26 September 2001		
First Named Inventor	Wil McCarthy		
Examiner Name	Daniel J. Petkovsek		
Art Unit	2874		
Attorney Docket No.	027-040001US		

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)				
Check Credit card Money Order None	3. ADDITIONAL FEES				
✓ Deposit Account:	Large Entity Small Entity				
Deposit 50005	Fee Fee Fee Fee Description Code (\$) Code (\$)	e Paid			
Account 502885 Number	1051 130 2051 65 Surcharge - late filing fee or oath				
Deposit Account Heimbecher & Assoc., LLC	1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet				
Name The Director is authorized to: (check all that apply)	1053 130 1053 130 Non-English specification				
Charge fee(s) indicated below Credit any overpayments	s 1812 2,520 1812 2,520 For filing a request for ex parte reexamination				
Charge any additional fee(s) or any underpayment of fee(s)	1804 920* 1804 920* Requesting publication of SIR prior to Examiner action				
Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action				
FEE CALCULATION	1251 110 2251 55 Extension for reply within first month				
1. BASIC FILING FEE	1252 420 2252 210 Extension for reply within second month				
Large Entity Small Entity	1253 950 2253 475 Extension for reply within third month				
Fee Fee Fee Fee Description Fee Paid Code (\$)	1254 1,480 2254 740 Extension for reply within fourth month				
1001 770 2001 385 Utility filing fee	1255 2,010 2255 1,005 Extension for reply within fifth month				
1002 340 2002 170 Design filing fee	1401 330 2401 165 Notice of Appeal				
1003 530 2003 265 Plant filing fee	1402 330 2402 165 Filing a brief in support of an appeal				
1004 770 2004 385 Reissue filing fee	1403 290 2403 145 Request for oral hearing				
1005 160 2005 80 Provisional filing fee	1451 1,510 1451 1,510 Petition to institute a public use proceeding				
SUBTOTAL (1) (\$) 00.00	1452 110 2452 55 Petition to revive - unavoidable				
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1453 1,330 2453 665 Petition to revive - unintentional				
Fee from	1501 1,330 2501 665 Utility Issue fee (or reissue)				
Extra Claims below Fee Paid Total Claims 27 -20** = 7 X 9 = 63					
Independent 5 2** - 2 V 43 - 86	1503 640 2503 320 Plant issue fee				
Claims U - 3 - E A A A A A A A A A A A A A A A A A A	1460 130 1460 130 Petitions to the Commissioner				
Large Entity Small Entity	— 1807 50 1807 50 Processing fee under 37 CFR 1.17(q)				
Fee Fee Fee Fee Description	1806 180 1806 180 Submission of Information Disclosure Stmt				
Code (\$) Code (\$) 1202 18 2202 9 Claims in excess of 20	8021 40 8021 40 Recording each patent assignment per property (times number of properties)				
1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3	1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a))				
1203 290 2203 145 Multiple dependent claim, if not paid					
1204 86 2204 43 ** Reissue independent claims over original patent	examined (37 CFR 1.129(b)) 1801 770 2801 385 Request for Continued Examination (RCE)	$\overline{}$			
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802 900 1802 900 Request for expedited examination of a design application				
. 440.00	Other fee (specify)				
SUBTOTAL (2) (\$) 149.00	*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 00.00				
**or number previously paid, if greater; For Reissues, see above	(b) (c) (c)				

SUBMITTED BY				(Complete	(Complete (if applicable))	
Name (Print/Type)	Brad). Hattenbath,	Registration No. (Attorney/Agent)	42,642	Telephone	303-279-8888	
Signature	Inad Hallenbach			Date	17 June 2004	

WARNING Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.